REMARKS

This amendment is in response to the Official Action dated March 13, 2009. No claims have been amended, no claim has been canceled, and no claims have been added; as such, claims 1-10 are now pending in this application. Claims 1 and 6-10 are independent claims. Reconsideration and allowance is requested in view of the following remarks.

Claim Objections

Claim 1 and 6-8 are objected to as allegedly being unclear regarding what is meant by a "first size which is a size of a moving image object other than the final moving object," and "a size of a moving image object for a seamless connection." It is also allegedly unclear where "which is a size of a moving object other than a final moving image object," is disclosed in the specification. Applicant points to, for example, paragraph [0045] – [0047] of U.S. Pub. No. 2006/0083489, for a full disclosure and explanation of these features.

Claims 9-10 are also objected to for allegedly lacking support in the specification for a "computer program product." Applicant points to, for example, paragraph [0030] and [0065] of U.S. Pub. No. 2006/0083489, for a full disclosure and explanation of a computer program product. Claims 9-10 are considered *Beauregard* claims involving a computer-readable medium containing a set of instructions that causes a computer to perform a process. Paragraphs [0030] and [0065] clearly describe examples of a memory storing the program that is executed by a processor to carry out the described functionality.

35 USC § 103 Rejections

Claims 1 and 7-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogino (US 5,633,976, hereinafter referred to as "Ogino '976") in view of Yamane et al (US 6,393,196, hereinafter referred to as "Yamane '196") in further view of Okada et al (US 5,754,241, hereinafter referred to as "Okada '241"). Applicant respectfully traverses this rejection.

Claim 1 recites:

A record control apparatus comprising:

a buffer *for storing moving image data belonging to a chapter,*

storage size detecting means *for detecting that the moving image data stored in the buffer increases in size beyond a first size which is a size of a moving image object other than a final moving image object and then reaches a second size which is a size of a moving image object for a seamless connection,*

final data detecting means *for detecting that a final moving image data belonging to the chapter is stored in the buffer, and*

moving image object output means *for retrieving a portion of the moving image data, stored in the buffer, corresponding to the first size from the head of the moving image data, and*

outputting the portion of the moving image data as the moving image object if it is detected that the moving image data stored in the buffer reaches the second size over the first size, and

retrieving a whole moving image data stored in the buffer and outputting the retrieved moving image data as a moving image object if it is detected that the final moving image data belonging to the chapter is stored in the buffer.

These claimed features are neither disclosed nor suggested by Ogino '976.

Ogino '976 ***fails*** to disclose, teach or suggest "*storage size detecting means for detecting that the moving image data stored in the buffer increases in size beyond a first size which is a size of a moving image object other than a final moving image object and then reaches a second size which is a size of a moving image object for a seamless connection.*" However, the Office Action alleges these features can be found in col. 4, lines 45-48. This is wholly inaccurate.

Ogino '976 provides an image recording apparatus and an electronic still camera capable of effectively using buffer memory so the photographer does not lose a photo taking opportunity. More particularly, a temporary memory for storing image information comprises a continuous recoding stop means for stopping the recording of the input image information when the capacity of the temporary memory is equal to or less than a first threshold value. The continuous recording stop means also reduces the rate of the continuous recording operation when the capacity of the temporary memory is equal or less than a second threshold value smaller than the first threshold, and stops the continuous recording when a predetermined number of continuously recorded images are reached. Once the continuous recording stop means is stopped, the photographer can affect recording by the single shot mode. In essence, Ogino '976 discloses a system control circuit that enables a continuous recording operation or a single shot operation when the capacity of the temporary memory reaches equal to or less than a first threshold, reduces the rate of the continuous recording operation when the capacity of the temporary memory reaches a second threshold less then the first threshold, and stops the continuous recoding operation when a certain number of images are recorded.

Col. 4, lines 45-48 of Ogino '976 disclose that when the photographing switch is turned on, if the continuous recording mode is set by the operation unit, the system control circuit checks, through the memory control circuit, whether the remaining capacity of the buffer memory is at least equal to a predetermined threshold value V1, which is stored in the memory in advance.

Clearly, Ogino '976 ***does not mention*** performing seamless connections between chapters of an image moving object by detecting that the moving image data stored in a buffer increases in size beyond a first size and then reaches a second size.

- **Therefore, Ogino '976 fails to disclose, teach, or suggest storage size detecting means for detecting that the moving image data stored in the buffer increases in size beyond a first size which is a size of a moving image object other than a final moving image object and then reaches a second size which is a size of a moving image object for a seamless connection.**

Claims 7-10 depend from and thus incorporate the features of claims 1, which are neither disclosed nor suggested by Ogino '976, for the reasons stated above.

The Office Action ***admits*** Ogino '976 ***fails*** to disclose "*final data detecting means for detecting that a final moving image data belonging to the chapter is stored in the buffer,*" but alleges Yamane '196 does. Again this is inaccurate.

Foremost, Yamane '196 does not remedy the deficiencies of Ogino '976, as the various features recited above are also absent form Yamane '196. For example, Applicant's claimed features of "*storage size detecting means for detecting that the moving image data stored in the buffer increases in size beyond a first size which is a size of a moving image object other than a final moving image object and then reaches a second size which is a size of a moving image object for a seamless connection,*" are neither disclosed nor suggested by Yamane '196.

In particular, Yamane '196 relates to an authoring system for variously processing a bitstream carrying video information representing individual titles having content with a particular sequential relationship, audio data, and ancillary video data; generating a bitstream whereby a title with user-selectable content can be constructed; efficiently recording to a particular recording medium the generated bitstream; and reproducing title content according to a user-selected sequence from the generated bitstream.. Essentially, Yamane '196 relates to a method for generating a multimedia stream comprising mutually related audio data and video data, and to a multimedia optical disk authoring system for storing the multimedia stream as digital data.

Col. 24, lines 10-17, of Yamane '196, disclose that when a video object unit VOBU is in an interleaved block, a Unit END flag is declared to indicate whether the video object unit VOBU is the last VOBU in the interleaved unit ILVU. Because the interleaved unit ILVU is the data unit for continuous reading, the Unit END flag is set to 1 if the VOBU currently being read is the last VOBU in the interleaved unit ILVU. Otherwise the Unit END flag is set to 0.

Yamane '196 ***does not mention*** performing seamless connections between chapters of an image moving object by detecting that the moving image data stored in a buffer increases in size beyond a first size and then reaches a second size.

- **Therefore, Yamane '196 fails to disclose, teach, or suggest storage size detecting means for detecting that the moving image data stored in the buffer increases in size beyond a first size which is a size of a moving image object other than a final moving image object and then reaches a second size which is a size of a moving image object for a seamless connection.**

The Office Action goes on to ***admit*** the combination of Ogino '976 and Yamane '196 ***fails*** to disclose, teach, or suggest a "*moving image object output means for retrieving a portion of the moving image data, stored in the buffer, corresponding to the first size from the head of the moving image data, and outputting the portion of the moving image data as the moving image object if it is detected that the moving image data stored in the buffer reaches the second size over the first size, and retrieving a whole moving image data stored in the buffer and outputting the retrieved moving image data as a moving image object if it is detected that the final moving image data belonging to the chapter is stored in the buffer,*" but alleges Okada '241 does. This is inaccurate as well.

Similar to Yamane '196, Okada '241 does not remedy the deficiencies of Ogino '976, as the various features recited above are also absent form Okada '241. For example, Applicant's claimed features of "*storage size detecting means for detecting that the moving image data stored in the buffer increases in size beyond a first size which is a size of a moving image object other than a final moving image object and then reaches a second size which is a size of a moving image object for a seamless connection,*" are neither disclosed nor suggested by Okada '241.

Okada '241 discloses a decoder that decodes video data stored in a buffer. In particular, the decoder is capable of preventing the buffer form overflowing and/or underflowing. It determines whether an amount of data stored in the bit buffer exceeds a threshold value. A value which the maximum amount that can be safely stored in the buffer. If the threshold value is

reached, the incoming video bit stream is skipped, thereby preventing overflow problems. If the vide bit stream is not streaming fast enough, it reduces the amount of information stored in the buffer, thereby prevent underflow issues.

Applicant respectfully submits this has nothing to do with the features claimed by the Applicant, which relate to adjusting the size of video data for seamless connection between chapters.

- **Therefore Okada '241 fails to disclose, teach, or suggest storage size detecting means for detecting that the moving image data stored in the buffer increases in size beyond a first size which is a size of a moving image object other than a final moving image object and then reaches a second size which is a size of a moving image object for a seamless connection.**

The three-way combination thus fails to present a prima facie case of obviousness, as the combination fails to collectively disclose the features recited in the independent claims 1 and 7-10, let alone the additional features recited in dependant claims 3-4. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine the phototaking operation of Ogino '976 with the means for processing bit stream carrying information about moving picture data of Yamane '196 with the decoding means of Okada '241.

Accordingly, Applicant respectfully requests that the rejection of claims 1 and 7-10 under 35 U.S.C. § 103(a) as unpatentable over Ogino '976 in view of Yamane '196 and in further view of Okada '241 be withdrawn.

Claim 2-4 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over "Ogino '976 in view of Yamane '196 further in view of Okada 241 further in view of Shikunami (US 6,718,121, hereinafter referred to as "Shikunami '121"). Applicant respectfully traverses this rejection.

Claims 2-4 depend from and thus incorporates the features of claims 1, which are neither disclosed nor suggested by Ogino '976 in view of Yamane '196 and further in view of Okada '241, for the reasons stated above.

Shikunami '121 does not remedy the deficiencies of Ogino '976 in view of Yamane '196 and further in view of Okada '241, as the various features recited above are also absent form Shikunami '121. For example, Applicant's claimed features of "*storage size detecting means for detecting that the moving image data stored in the buffer increases in size beyond a first size which is a size of a moving image object other than a final moving image object and then reaches a second size which is a size of a moving image object for a seamless connection,*" are neither disclosed nor suggested by Shikunami '121.

Shikunami '121 discloses a video disk recorder that compresses a video signal contained in a television signal at a predetermined compression rate and records it onto an optical disk. The signal is compressed by a variable rate encoder, and then recoded onto an optical disk. The recorder has a means for weighing the received compressed signals for importance and controls the compression rate in compliance with the weight.

Applicant respectfully submits this has nothing to do with the features claimed by the Applicant, which relate to adjusting the size of video data for seamless connection between chapters.

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not been presented. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine the phototaking operation of Ogino '976 with the means for processing bit stream carrying information about moving picture data of Yamane '196 with the decoding means of Okada '241 with the recording means of Shikunami '121.

Accordingly, Applicant respectfully requests that the rejection of claims 32 under 35 U.S.C. § 103(a) as being anticipated over being unpatentable over Ogino '976 in view of Yamane '196 further in view of Okada '241 and further in view of Shikunami '121 be withdrawn.

Claim 5-6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over "Ogino '976 in view of Yamane '196 further in view of Okada 241 further in view of Imada et al (US 7,254,318, hereinafter referred to as "Imada '318"). Applicant respectfully traverses this rejection.

Claim 5 depends from and thus incorporates the features of claims 1, which are neither disclosed nor suggested by Ogino '976 in view of Yamane '196 and further in view of Okada '241, for the reasons stated above.

Claim 6 incorporates some of the features of claim 1, which are neither disclosed nor suggested by Ogino '976 in view of Yamane '196 and further in view of Okada '241, for the reasons stated above. Although, claims 1 and 6 should be interpreted solely based upon the limitations set forth therein.

Imada '318 does not remedy the deficiencies of Ogino '976 in view of Yamane '196 and further in view of Okada '241, as the various features recited above are also absent form Imada '318. For example, Applicant's claimed features of "*storage size detecting means for detecting that the moving image data stored in the buffer increases in size beyond a first size which is a size of a moving image object other than a final moving image object and then reaches a second size which is a size of a moving image object for a seamless connection,*" are neither disclosed nor suggested by Imada '318.

Imada '318 relates to an improvement in a technique for making a backup copy of a content recorded in one recording medium in another recording medium. Imada '318 discloses a recording apparatus for recording a plurality of audio-visual contents stored in a HD to a writable DVD. A drive controller copies at least one of the contents stored in the HD to the DVD. If the available capacity of the DVD left after the copying falls short to copy a remaining content, the remaining content is re-encoded prior to being recorded in the DVD. The bit rate to be allocated to

the remaining content upon re-encoding is calculated from the available capacity of the DVD and the reproduction time of the remaining content to be re-encoded.

Imada '318 ***does not mention*** performing seamless connections between chapters of an image moving object by detecting that the moving image data stored in a buffer increases in size beyond a first size and then reaches a second size.

Since even a combination of the relied upon references would still fail to yield the claimed invention, Applicant submits that a prima facie case of obviousness for claim 1 has not been presented. Applicant also notes that the offered combination appears to be a failed attempt to reconstruct the claimed invention in hindsight, as there is no basis to combine the phototaking operation of Ogino '976 with the means for processing bit stream carrying information about moving picture data of Yamane '196 with the decoding means of Okada '241 with the recording means of Imada '318.

Accordingly, Applicant respectfully requests that the rejection of claims 32 under 35 U.S.C. § 103(a) as being anticipated over being unpatentable over Ogino '976 in view of Yamane '196 further in view of Okada '241 and further in view of Imada '318 be withdrawn.

Conclusion

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3124 from which the undersigned is authorized to draw.

Dated: May 21, 2009

Respectfully submitted,

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